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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,714	07/18/2003	Tomio Hirano	24046-US6	1566
22850 7590 02/26/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER CHEVALIER, ALICIA ANN				
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
02/26/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/621,714

**Applicant(s)**

HIRANO ET AL.

**Examiner**

Alicia Chevalier

**Art Unit**

1794

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19 and 21-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### RESPONSE TO AMENDMENT

1. Claims 19 and 21-30 are pending in the application, claims 1-18 and 20 have been cancelled.
2. Amendments to the claims, filed on November 30, 2007, have been entered in the above-identified application.

### REJECTIONS

3. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

### *Claim Rejections - 35 USC § 103*

4. Claims 19, 21, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allaire et al. (U.S. Patent No. 6,327,875) in view of Yoneda et al. (U.S. Patent No. 5,314,731) and Chiba et al. (U.S. Patent No. 6,287,996).

Regarding Applicant's claim 19, Allaire discloses a glass for an automobile (*col. 2, line 33*) comprising a glass substrate (*col. 2, lines 52-55*), which is deemed to have a first principal surface and at least one first side surface at an outermost peripheral edge of the first principal surface and at least one first side surface being substantially perpendicular to the first principal surface (*figure 1*). The at least one first side surface includes a first laser mark formed thereon and extending from the peripheral edge of the first principal surface along the at least one first side surface (*figure 1*) for a depth of 0.06 mm or more (*col. 5, lines 4-7*).

The preamble “for a touch panel” is deemed to be a statement with regard to the intended use and is not further limiting in so far as the structure of the product is concerned. In article claims, a claimed intended use must result in a *structural difference* between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. MPEP § 2111.02.

Allaire fails to disclose that the surface roughness of the cut side face of the glass substrate is 50 nm or less and that the glass substrate has a strength of 45 kgf or more and 90 kgf or less on a static load test.

Yoneda discloses window glass for automobiles (*col. 1, lines 14-19*). Yoneda teaches that substantial scorching or a fine roughness, i.e. high surface roughness, on the surface of a glass lowers its basic function and scatters light on its surface making it difficult to secure the field of view, and consequently there will be a problem in securing safety (*col. 1, lines 46-52*).

The exact surface roughness of the glass is deemed to be a result effective variable with regard to the scattering of light. It would require routine experimentation to determine the optimum value of a result effective variable, such as surface roughness, in the absence of a showing of criticality in the claimed surface roughness. *In re Boesch*, 205 USPQ 215 (CCPA 1980), *In re Woodruff*, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990). One of ordinary skill in the art would have been motivated by disclosure of Yoneda to minimize the surface roughness in order to avoid substantial scattering of light. One would have been motivated to minimize the surface roughness because it would allow better field of view and thus secure safety.

Chiba discloses a glass comprising a glass substrate with a strength of 45 kgf or more and 90 kgf or less based on a static load test (*col. 11, lines 13-18*), which does not deteriorate (*col. 2, lines 40-45*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have a glass with a strength of 45 kgf or more and 90 kgf or less based on a static load test in the Allaire as taught by Chiba in order to insure the strength will not deteriorate.

The limitations "formed by cutting at least with laser light radiation," "cut side face at least partially formed by a cutting method including at least cutting with laser light radiation," and "formed by said laser light radiation on said cut side face" are method limitations and do not determine the patentability of the product, unless the process produces unexpected results. The method of forming the product is not germane to the issue of patentability of the product itself, unless Applicant presents evidence from which the Examiner could reasonably conclude that the claimed product differs in kind from those of the prior art. MPEP 2113.

Regarding Applicant's claim 21, Allaire discloses that the glass substrate has no crack and pulverized powder at the cut side face, since the reference discloses that it provides separation edges of good quality with a particle free median crack (*col. 2, lines 25-26*).

Regarding Applicant's claim 29, Allaire discloses that the glass substrate has a thickness equal to or greater than 0.25 mm and less than or equal to 0.7 mm (*col. 4, lines 20-27*).

Regarding Applicant's claim 30, Allaire discloses that the glass substrate is a planar glass plate (*figure 1*).

5. Claims 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allaire in view of Yoneda and Chiba as applied above, and further in view of Ariglio et al. (U.S. Patent No. 5,826,772).

Allaire, Yoneda and Chiba are relied upon as described above. Furthermore, Allaire is deemed to disclose that the glass substrate has at least one second side surface at the outermost peripheral edge of the first principal surface and the at least one second side surface being substantially perpendicular to the first principal surface (*figure 1*).

Allaire, Yoneda and Chiba fail to disclose the that the at least one second side surface includes a second laser mark formed thereon.

Ariglio discloses a method of laser marking a glass substrate on two opposing sides (*figure 1 and col. 1, lines 60-66*), which is advantageous because the intersecting vent cracks are formed on opposite sides of the glass sheet, there is no “healing” phenomenon observed, resulting in higher quality and more consistent break edges (*col. 2, lines 26-30*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use laser marks on both sides of the glass substrate in the combination Allaire, Yoneda and Chiba as taught by Ariglio in order to have higher quality and more consistent break edges.

#### ***ANSWERS TO APPLICANT'S ARGUMENTS***

6. Applicant's arguments in the response filed November 30, 2007 regarding the previous rejections of record have been considered but are moot due to the new grounds of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Alicia Chevalier/

Primary Examiner, Art Unit 1794

2/27/2008